



Immigration / Contacts With Non-United States Citizens

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Approved By:


Timothy J. Dorn, Chief of Police

A. General (ARS §1 1-1051)

1. This agency shall conduct all immigration enforcement activities in a manner consistent with federal and state laws regulating immigration and protecting the civil rights, privileges and immunities of all persons. This policy will not limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law.
2. Officers should be aware that the enforcement of state and federal laws related to immigration is a complex effort requiring the cooperation of multiple agencies and the consideration of multiple facts and circumstances. Officers are encouraged to contact supervisors when necessary. If at any time, in the sound judgment of an officer, the officer believes that deviation from this policy is appropriate, the officer should contact a supervisor.
3. The purpose of this policy is to provide guidelines for the management of investigations into issues related to immigration enforcement.

B. Definitions

1. **287(g) Officer:** State or local officer trained, certified and authorized by the federal government to enforce all aspects of federal immigration law.
2. **Consular Officer:** Person who displays a driver's license issued by the United States Department of State, or who otherwise claims immunities or privileges under Title 22 United States Code.
3. **Documented Individual:** Person who has proof of U.S. citizenship or lawful presence such as a valid visa or permanent resident alien card.
4. **Foreign Diplomat:** Person who displays a driver license issued by the United States Department of State, or who otherwise claims immunities or privileges under Title 22 United States Code.
5. **Foreign National:** Person who is not a U.S. citizen, including a resident alien.
6. **ICE/CBP/287(g):** Immigration and Customs Enforcement, Customs and Border Protection or a 287(g) certified officer.
7. **Law Enforcement Officer:** Sworn peace officer, police aide (acting as a civilian traffic investigator), or detention officer.
8. **Reasonable Suspicion:** When an officer is aware of specific, articulable facts which, when considered with objective and reasonable inferences, form a basis for particularized suspicion. The requirement of particularized suspicion encompasses two elements. First, the assessment must be based upon the totality of the circumstances. Second, that assessment must create a reasonable suspicion that the particular person is unlawfully present in the United States.
9. **Undocumented Individual/Unauthorized Alien:** Person who is not lawfully present in the United States.
10. For the purposes of this Order, "contact with ICE" refers to communication via telephone or NLETS.

C. Consensual Contacts

1. State laws related to immigration enforcement neither expand nor limit an officer's ability to approach a person and engage that person in a voluntary conversation. During that conversation, the officer may inquire about any subject matter; however, officers do not have the authority to demand that the person produce documentation of citizenship. As in any consensual contact, the person does not have to answer questions or produce any identification although they may choose to do so voluntarily.

ACLU Model #5

2. Officers should exercise discretion in making immigration status inquiries during consensual contacts or with victims and witnesses of crime. In order to avoid perceptions of bias based policing (including racial profiling) during consensual contacts, officers should be consistent in asking persons for their identification.

City officials shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by state or federal law to verify eligibility for a benefit, service, or license conditioned on verification of certain status.

3. In no event shall race, color or national origin play any role in an officer's decision to inquire about immigration status in consensual encounters.

ACLU Model #9

No city official shall interrogate, arrest, detain or take other law enforcement action against an individual based upon that individual's perceived race, national origin, religion, language, or immigration status, unless such personal characteristics have been included in timely, relevant, credible information from a reliable source, linking a specific individual to a particular criminal event/activity.

D. Persons Lawfully Stopped or Detained

1. If, during the course of a lawful stop or detention of a person ("detainee"), an officer subsequently develops reasonable suspicion to believe a detainee is an undocumented individual/unauthorized alien and is unlawfully present in the U.S., the officer shall make a reasonable attempt to determine the immigration status of the detainee with either ICE/CBP/287(g). There are two exceptions to this requirement:

- a) When it is not practical – In determining whether it is practicable, officers should consider things such as work load, criticality of incident and of other present duties, available personnel on scene, location, available back-up, ability to contact ICE/CBP/287(g), and availability of ICE/CBP/287(g).

ACLU Model #6

City official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.

- b) When the determination may hinder or obstruct an investigation – The officer should consider when or whether to investigate immigration status in light of the need for suspect, victim, and witness cooperation in an investigation (this consideration is not necessarily limited to the investigation for which the officer has detained the person). For example, complex investigations of money laundering, human trafficking, and drug smuggling may require significant cooperation of those involved.

2. In establishing whether there is reasonable suspicion to believe a person is an undocumented individual/unauthorized alien and unlawfully present in the U.S., officers shall not consider the detainee's race, color or national origin, except to the extent that an officer may ask about a person's citizenship.

ACLU Model #2, #5, #9

#2 City officials shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by ICE or CBP, without a judicial warrant.

#5 City officials shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by state or federal law to verify eligibility for a benefit, service, or license conditioned on verification of certain status.

#9 No city official shall interrogate, arrest, detain or take other law enforcement action against an individual based upon that individual's perceived race, national origin, religion, language, or immigration status, unless such personal characteristics have been included in timely, relevant, credible information from a reliable source, linking a specific individual to a particular criminal event/activity.

3. If the detainee presents one of the following types of identification, it is presumed that the detainee is lawfully present in the United States. No further investigation into the person's status is necessary unless there are additional facts that cast doubt on the person's lawful presence.
 - a) A valid Arizona driver's license
 - b) A valid Arizona non-operating identification license
 - c) A valid tribal enrollment card or other form of tribal identification; or
 - d) If the entity requires proof of legal presence in the United States before issuance, any valid federal, state, or local government issued identification.
4. If reasonable suspicion exists to believe a detainee is an undocumented individual/ unauthorized alien and is unlawfully present, the detainee does not present presumptive identification, and one of the exceptions noted in Section D.1 do not exist, the officer shall make a reasonable attempt to determine the person's immigration status. In determining whether reasonable suspicion of unlawful presence exists, officers should consider all relevant factors. Any one factor alone without other supporting factors may or may not constitute reasonable suspicion. Factors to consider may include, but are not limited to:
 - a) Voluntary statements by the person regarding his/her citizenship or lawful presence. Officers should note that if the person is in custody for purposes of *Miranda*, they will not question the person about immigration status until after *Miranda* rights have been read and the person has waived their rights.
 - b) Lack of or false identification (if otherwise required by law).
 - c) Possession of foreign identification.
 - d) Flight and/or preparing for flight. Engaging in evasive maneuvers in a vehicle, on foot, etc.
 - e) Foreign vehicle registration.
 - f) Counter-surveillance or lookout activity.

- g) In the company of other unlawfully present undocumented individual/unauthorized aliens.
- h) A vehicle is overcrowded or riding heavily.
- i) Passengers in vehicle attempt to hide or avoid detection.
- j) Reliable prior information about the person.
- k) Inability to provide his or her residential address.
- l) Claim of not knowing others in same vehicle or at same location.
- m) Providing inconsistent or illogical information.
- n) Demeanor. For example, unusual or unexplained nervousness, erratic behavior, refusal to make eye contact.
- o) Significant difficulty speaking English.
- p) Location, for example a place where unlawfully present undocumented/unauthorized aliens are known to congregate looking for work, or a location known for human smuggling or known smuggling routes.

ACLU Model #9

No city official shall interrogate, arrest, detain or take other law enforcement action against an individual based upon that individual's perceived race, national origin, religion, language, or immigration status, unless such personal characteristics have been included in timely, relevant, credible information from a reliable source, linking a specific individual to a particular criminal event/activity.

5. When reasonable suspicion exists to believe a detainee is an undocumented individual/unauthorized alien and present in the United States unlawfully, the detainee does not present presumptive identification, one of the exceptions in Section D.1 does not apply, and there are not state or local criminal violations, the officer shall attempt to contact ICE/CBP/287(g).

ACLU Model #2, #5, #6

#2 City officials shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by ICE or CBP, without a judicial warrant.

#5 City officials shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by state or federal law to verify eligibility for a benefit, service, or license conditioned on verification of certain status.

#6 No City official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.

- a) When determining the subject's status the officer must determine if the federal immigration violation is criminal or civil.
- b) If the officer is unable to make contact, or to determine the person's immigration status, with ICE/CBP/287(g), then the officer shall release the detainee after completing DR entitled "Special Incident." A copy of the report shall be routed to ICE.
- c) If ICE/CBP/287(g) advises there are federal criminal charges against the detainee, the officer will determine whether ICE/CBP/287(g) will respond to take the person into custody or whether the officer will transport the subject to the county jail or an ICE facility to be booked.

ACLU Model #1, #2

#1 City officials shall require a judicial warrant prior to detaining an individual or in any manner prolonging the detention of an individual at the request of U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP).

#2 City officials shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by ICE or CBP, without a judicial warrant.

6. Officers must understand that many federal immigration violations are civil or administrative in nature, not criminal.

a) Officers have the authority to arrest persons on federal criminal immigration violations.

City officials shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by ICE or CBP, without a judicial warrant.

b) Officers do not have the authority to transport or arrest a person solely for a federal civil or administrative immigration violation. In these instances, officers will ask whether ICE/CBP/287(g) will respond. Officers will not transport a person based solely on a federal civil violation without the person's consent.

#1 City officials shall require a judicial warrant prior to detaining an individual or in any manner prolonging the detention of an individual at the request of U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP).

#2 City officials shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by ICE or CBP, without a judicial warrant.

c) If ICE/CBP/287(g) is unable to indicate whether the federal charge against the detainee is civil or criminal, the officer shall treat the charge as civil.

7. The officer may not extend the initial lawful stop based on federal civil charges. Once the investigation related to the initial lawful stop has been completed, the detainee must be released unless the officer has developed reasonable suspicion or probable cause relating to other criminal activity.

E. **Arrests:** When an officer arrests a person and is going to book them into a jail facility, it is not necessary to contact ICE/CBP/287(g). The jail facility will be responsible for determining the person's immigration status.

#1 City officials shall require a judicial warrant prior to detaining an individual or in any manner prolonging the detention of an individual at the request of U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP).

#2 City officials shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by ICE or CBP, without a judicial warrant.

#5 City officials shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by state or federal law to verify eligibility for a benefit, service, or license conditioned on verification of certain status.

1. All persons, including juveniles, who are booked into jail shall be asked about their country of citizenship and the answers documented in the DR. This excludes individuals cited and released for criminal traffic offenses that do not require an arrest report (criminal speed, violation of restricted license, throwing trash from a vehicle onto the roadway, and commercial vehicle violations).

ACLU Model #2

ACLU Model #1, #2

ACLU Model #1, #2, #5

a) What is your country of citizenship?

b) Where were you born?



ACLU Model #5

City officials shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by state or federal law to verify eligibility for a benefit, service, or license conditioned on verification of certain status.

Rev. Date

09-26-2012

Gilbert Police Department

Page 3 of 7

- (1) If the answer is other than the United States, officers will ask the arrested person if they have dual United States citizenship. Additionally, the following questions should be asked, but only after Miranda warnings have been given and a waiver obtained.
- (2) Are you in the United States legally?
- (3) Do you have any documents or other proof of lawful presence?
2. Individuals may refuse to answer these questions as there is no legal requirement that they comply. The response, whether “yes,” “no,” or “refused” shall be entered into the I/LEADS Arrest module.
3. If, after contact, ICE/CBP/287(g) does not place an immigration hold on the arrested person, the officer will presume the person to be lawfully present and will not place an immigration hold on the person and document this fact in the report.

ACLU Model #1, #6

#1 City officials shall require a judicial warrant prior to detaining an individual or in any manner prolonging the detention of an individual at the request of U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP).

#6 No City official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.

4. Arrested foreign nationals, regardless of legal status, are entitled to consular notifications; officers will ask if they want their consulate notified. In some cases, regardless of their request, mandatory consular notification is required. See Section J of this order.

F. Contact With ICE/CBP/287(g)

1. Officers needing to contact ICE will do so through Communications who, in turn will send an inquiry via NLETS using the Immigration Alien Query (IAQ). All verifications will be made in this manner unless there is a matter of urgency at which time the officer may contact ICE's Law Enforcement Support Center (LESC) by telephone.

No City official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.

- a) The LESG user manual is considered law enforcement sensitive and is not to be released outside of law enforcement.
- b) In urgent situations, the following are contact numbers for ICE:

- (1) 1-800-973-2867 – 24 hour contact.
- (2) 1-802-872-6020 – LESG
- (3) 1-520-836-7812 – Tucson Customs and Border Protection
- (4) 602-379-3116 – ICE Phoenix Duty Agent.

No City official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.

2. When an officer contacts ICE/CBP/287(g) to verify whether a person is an undocumented individual/unauthorized alien and unlawfully present in the U.S., and ICE/CBP/287(g) advises that the person is unlawfully present, the officer should ask whether:

ACLU Model #6

- a) There is any record that the person has ever completed an undocumented individual/unauthorized alien registration document.
- b) The person has any other authorization from the federal government to remain in the U.S.

No City official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.

3. The fact that an ICE/CBP/287(g) cannot verify a person's status does not mean a person is unlawfully present in the United States.

G. Detention and Removal Order (DRO) Holds

1. A unit of ICE has the responsibility for detaining and transporting undocumented persons apprehended by ICE, CBP, and local law enforcement.

City officials shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by ICE or CBP, without a judicial warrant.

2. Once a person has been identified as being in the United States unlawfully, ICE will issue an appropriate hold that can be for criminal or civil violations. This hold will be similar to a warrant notification when a person's information is run through NCIC.

City officials shall require a judicial warrant prior to detaining an individual or in any manner prolonging the detention of an individual at the request of U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP).

3. An officer who receives a hold notification from ICE will:

City officials shall require a judicial warrant prior to detaining an individual or in any manner prolonging the detention of an individual at the request of U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP).

- a) Call the phone number on the notification document to determine whether the hold is criminal or civil.
- b) Detain and transport for criminal orders if requested to do so by ICE.

#2 City officials shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by ICE or CBP, without a judicial warrant.

#6 No City official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.

- c) Complete a DR entitled "Special Incident" containing all relevant information.
- d) Consular notification procedures shall be followed.

4. Officers will not detain or transport persons for civil violations without the person's consent or continue to detain if the only violation is a civil DRO hold.

ACLU Model #1, #2

#1 City officials shall require a judicial warrant prior to detaining an individual or in any manner prolonging the detention of an individual at the request of U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP).

#2 City officials shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by ICE or CBP, without a judicial warrant.

H. NCIC ICE Immigration Violator File

1. ICE keeps a record of undocumented individual/unauthorized aliens who have been convicted of a felony crime in the United States and have since been deported to their country of citizenship. This record is the Deported Felon File located in the NCIC Immigration Violator File.
2. The Immigration Violator File contains the following additional categories:
 - a) The ICE Absconder category contains the records for individuals with an outstanding Administrative Warrant of Removal from the United States who have unlawfully remained in the United States.
 - b) The ICE National Security Entry/Exit Registration System (NSEERS) category contains the records for individuals whom the Department of Homeland Security (DHS) and ICE have determined have violated registration requirements for entry into the United States.
3. Officers will not take enforcement action on administrative warrants or NSEERS hits as these are civil or other non-criminal federal matters.
4. The NCIC query results will advise whether the information displayed is an administrative warrant hit or a Deported Felon File hit.
5. If an officer runs a person who is the subject of a Deported Felon File notification and there are no local charges, the following steps will be taken:
 - a) Verify through physical description (scars, marks, tattoos, etc.), admission, or other available information (e.g., I/LEADS), that the person on the notification is the same person.

ACLU Model #5, #9

#5 City officials shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by state or federal law to verify eligibility for a benefit, service, or license conditioned on verification of certain status.

#9 No city official shall interrogate, arrest, detain or take other law enforcement action against an individual based upon that individual's perceived race, national origin, religion, language, or immigration status, unless such personal characteristics have been included in timely, relevant, credible information from a reliable source, linking a specific individual to a particular criminal event/activity.

- b) Contact the ICE Law Enforcement Service Center in Vermont through the Communications dispatcher or call directly using the phone number listed on the notification for immediate confirmation.

ACLU Model #6

No City official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.

ACLU Model #6

c) Once the hit has been confirmed officers will positively identify the subject through LiveScan or fingerprint the individual and fax the fingerprints to ICE.

No City official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.

d) After the subject has been positively identified, the ICE Law Enforcement Agency Response (LEAR) Unit (or other local ICE office) may be contacted for pick-up and disposition of the subject.

e) After verification officers may transport the subject to ICE per their direction.

ACLU Model #2

City officials shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by ICE or CBP, without a judicial warrant.

f) Officers will complete a "Special Incident" DR with the following information:

(1) Subject's name and personal information.

(2) Time, place and reason for contacting the subject.

(3) Whether or not the LEAR unit picked up the subject or if the subject was transported to the ICE facility.

(4) Name and badge number of the ICE agent who took custody of the subject.

ACLU Model #2

#2 City officials shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by ICE or CBP, without a judicial warrant.

#6 No City official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.

6. If there are local charges in addition to the Deported Felon Notification, there is no need to contact ICE and the officer shall follow normal booking procedures.

ACLU Model #6

No City official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.

I. **U Visa:** Immigration Form I-918 ("U Visa") is used by a noncitizen immigrant to request temporary immigration benefits if they have been the victim of certain qualifying criminal activity. The immigrant must obtain a law enforcement certification from the agency responsible for the investigation of the crime. An agency has no legal obligation to complete a Form I-918 for any particular alien. If the Form I-918 form is not completed, the alien will be ineligible for U nonimmigrant status

1. Immigrants who are the victim of at least one of the crimes listed below, regardless of whether the crime is attempted or completed, may request that the investigating law enforcement agency complete the Form I-918. The immigrant must provide the Form to the Records Section.

a) Abduction

b) Abusive sexual conduct

- c) Blackmail
 - d) Domestic violence
 - e) Extortion
 - f) False imprisonment
 - g) Felonious assault
 - h) Female genital mutilation
 - i) Hostage situations
 - j) Incest
 - k) Involuntary servitude
 - l) Kidnapping
 - m) Torture
 - n) Obstruction of justice
 - o) Peonage
 - p) Perjury
 - q) Prostitution
 - r) Rape
 - s) Sexual assault
 - t) Sexual exploitation
 - u) Slave trade
 - v) Torture
 - w) Trafficking
 - x) Unlawful criminal restraint
 - y) Witness tampering
2. U Visa regulations require that:
 - a) The victim has suffered substantial physical or mental abuse as a result of having been a victim of the crime.
 - b) The victim has useful information concerning the crime that occurred.
 - c) The victim has helped, or is likely to help in the investigation or prosecution of the crime.
 - d) The crime committed violated the laws of the United States or occurred in the United States.
 3. Upon receipt of a U Visa request by Records, it shall be forwarded to the Investigation lieutenant for review. The lieutenant may consult with the legal advisor to determine whether the application will be approved.
 4. A supplement will be written indicating whether the request was approved or denied and the requestor will be notified by the Investigations lieutenant via certified mail.

J. Foreign Nationals/Consular Notification

1. The United States is obligated under international treaties and customary international law to notify foreign authorities when foreign nationals are arrested, or otherwise detained, in the U.S. These obligations include:

#5 City officials shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by state or federal law to verify eligibility for a benefit, service, or license conditioned on verification of certain status.

#6 No City official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.

- a) To immediately inform the foreign national of the right to have their government notified concerning the arrest.

- b) If the foreign national asks that such notification be made, it shall be done without delay by informing the nearest consulate or embassy. The officer shall fax the notification form to the Consular officer.
- c) If the foreign national's country is not on the mandatory notification countries list and the foreign national declines notification, the officer shall have them sign the notification form. No notification will be made.
- d) Certain countries have mandatory notification without delay, regardless of whether the arrestee so wishes. A list of these countries may be found in the Consular Notification and Access Reference Card.

Rev. Date

09-26-2012

Gilbert Police Department

Page 6 of 7

- e) For both mandatory and non-mandatory consul notification countries, the officer shall document in the report whether notification occurred. The notification form shall be impounded as evidence.

No City official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.

- f) Whenever a foreign national is arrested, the arresting officer is responsible for ensuring the appropriate notifications to representatives of the foreign country are made. Instruction on proper notification can be obtained from the U.S. Department of State. Inquiries regarding contact with foreign governments should be made to the Assistant Legal Advisor for Consulate Affairs, Department of State, (202) 647-4415, Fax (202) 736-7559. Urgent after-hours inquiries may be directed to the Operations Center at (202) 657-1512.

- g) Foreign Nationals/ARS 13-3906: If an officer is incarcerating an arrestee who is not United States citizen, the officer shall notify the country of citizenship if the arrestee does not waive notification or if that country requires notification regardless of a waiver. The officer shall document all details of the notification or any waiver of notification on the consular notification form that must be included with the officer's report.

No City official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.

2. Police Contact with Diplomatic Persons

- a) When, in the course of responding to or investigating an apparent violation of criminal law, a police officer is confronted with a person claiming immunity, official State Department identification shall immediately be requested in order to verify the person's status and immunity.

City officials shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by state or federal law to verify eligibility for a benefit, service, or license conditioned on verification of certain status.

- b) The officer shall immediately notify the shift lieutenant, who shall be responsible for verifying the identification and directing the officer of the appropriate action to be taken. In an incident involving any person entitled to immunity, the officer shall record all pertinent details from the identity card and fully record the details and circumstances of the incident in accordance with normal police procedures.
- c) Stopping a diplomatic officer and issuing a traffic citation does not constitute an arrest and is permissible, although signature of the citation by such individual cannot be required. A written report of the incident shall be completed, documenting the facts of the incident and the identity of the individual and shall be promptly forwarded to the State Department.

No City official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.

- d) Foreign Consuls: Foreign Consuls, their families, servants and employees are NOT immune from arrest, except as follows:
- (1) The Mexican Consul is immune from arrest for misdemeanor offenses; however, Deputy Consuls are immune only if they are citizens of Mexico.
 - (2) The courtesy of immunity is not extended to the families, servants, or employees of the Consulate; however, they will be released on a misdemeanor offense in lieu of booking, pending the issuance of a complaint for the offense.
 - (3) Vehicles bearing any Consular Corps license plates will not be given parking citations nor will drivers assigned to the Mexican Consulate be cited for traffic violations when operating a vehicle bearing such plates.